REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 17 and 23 are pending in this application. Claims 11-16, 18-22, and 24-26 are canceled by the present amendment without prejudice or disclaimer.

In the outstanding Office Action dated March 19, 2009, Claims 11, 13, 14, 16, 17, 19, 20, and 22-26 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Publication 2003/0119452 to Kim et al. (hereinafter "Kim") in view of U.S. Publication 2003/0083069 to Vadgama; and Claims 12, 15, 18, and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kim in view of Vadgama and NTT DoCoMo, "Selective Combining for MBMS," October 6, 2003 (hereinafter "Selective Combining").

Initially, Applicant and Applicant's representative gratefully acknowledge the courtesy of an interview with Examiner Chakour and Supervisory Patent Examiner Pérez-Gutiérrez on July 15, 2009. During the interview, differences between the references in the Office Action and the claimed invention were discussed. Comments discussed during the interview are reiterated below.

Applicant respectfully traverses the rejection of Claims 11, 13, 14, 16, 17, 19, 20, and 22-26 under 35 U.S.C. § 103(a) as unpatentable over Kim and Vadgama.

Claim 17 is directed to a communications method relating to a multimedia broadcast multicast service (MBMS) of multicasting or broadcasting a multimedia data to a plurality of mobile stations in a communications system. The communications method includes, in part, a power ratio receiving step of receiving information about a power ratio between a power of a common control physical channel used for multicasting or broadcasting the multimedia data in each of given cells and a power of a common pilot channel used for transmitting an information on reference of timing in each of the given cells. The method also includes a

service information receiving step of receiving service information indicating a state of an MBMS service in each of the given cells, and the method includes a cell selecting step of acquiring a set including a plurality of cells from which a mobile station can receive an MBMS on the basis of the information about the power ratio and the service information.

As discussed during the interview, the combination of Kim and Vadgama fails to teach or suggest all of the features of independent Claims 17 or 23. In addition, as discussed during the interview, Kim and Vadgama each fail to teach or suggest features asserted to be disclosed in the Office Action. For example, as discussed during the interview, Kim fails to teach or suggest a cell selecting step of acquiring a set of cells based on service information indicating a state of an MBMS service in each of given cells. Furthermore, as discussed during the interview, Vadgama fails to teach or suggest transmitting power ratio information about a power ratio between a power of a common control physical channel used for multicasting or broadcasting and a power of a common pilot channel.

As discussed during the interview, Kim describes a user equipment that selects a cell and acquires information used to access the system by receiving system information transmitted over a broadcast channel (BCH), where the system information includes code information and random access information of a RACH (Random Access Channel) used by the user equipment to transmit a message to the system.[1] Thus, Kim indicates that a user equipment selects a cell and also acquires general system information, for example regarding a Random Access Channel. Kim also indicates "***after*** completing the cell selection, the UE transmits an MBMS Request message to an RNC through a Node B to which the UE belongs in step 502 (MBMS Request)."[2] Thus, as shown in Kim Figure 5, Kim clearly indicates that a cell selection is performed before sending an MBMS Request message, and therefore Kim fails to disclose or suggest that a cell selection is performed ***based on*** information regarding a

[1] Kim at paragraph [0076].
[2] Kim at paragraph [0077] (emphasis added).

state of an MBMS service. Thus, as discussed during the interview, Kim fails to disclose or otherwise suggest "a cell selecting step of acquiring a set including a plurality of cells from which a mobile station can receive an MBMS on the basis of ... said service information received in said service information receiving step," as recited in independent Claim 17. In addition, it is respectfully submitted that Vadgama also fails to teach or suggest the cell selecting step feature lacking in the disclosure of Kim.

Vadgama Figure 4 shows that beam quality indicators 102/104 are calculated based on outputs from despreaders 92 and 94, which are allocated to "dedicated (or shared) transmission channel from an active base station."[3] In addition, Figure 4 of Vadgama clearly shows that beam quality indicators 102/104 are not connected to the outputs of despreaders 88 and 90, which are allocated to the broadcast channel of an active base station.[4] On the other hand, the broadcast channels are connected to congestion level indicators 98 and 100 and the broadcast channels are not connected to the BQI which produce measures of the quality of the signals received from the various base stations.[5] Thus, as discussed during the interview, Vadgama fails to disclose a power ratio between a power of a channel used for multicasting or broadcasting and a power of a common pilot channel. Therefore, as discussed during the interview, Vadgama fails to disclose or otherwise suggest "a power ratio receiving step of receiving information about a power ratio between a power of a common control physical channel used for multicasting or broadcasting said multimedia data in each of given cells and a power of a common pilot channel used for transmitting an information on reference of timing in each of the given cells," as recited in Claim 17. In addition, as discussed during the interview, Kim also fails to teach or suggest the power ratio receiving step lacking in the disclosure of Vadgama.

[3] Vadgama at paragraph [0103].
[4] Vadgama at paragraph [0103].
[5] Vadgama at paragraph [0104].

Furthermore, Claim 23 is directed to a communication method for use in a base station and includes similar steps to those of Claim 17. Therefore, it is respectfully submitted that Vadgama and Kim also fail to teach or suggest the features of Claim 23 for reasons similar to those discussed above.

Therefore, Applicant respectfully requests the rejection of Claims 11, 13, 14, 16, 17, 19, 20, and 22-26 under 35 U.S.C. § 103(a) as unpatentable over Kim and Vadgama be withdrawn.

In addition, the rejection of Claims 12, 15, 18, and 21 under 35 U.S.C. § 103(a) is rendered moot by the cancellation of Claims 12, 15, 18, and 21.

Accordingly, Applicant respectfully submits that independent Claims 17 and 23 are allowable.

Consequently, in light of the above discussion and in view of the present amendment this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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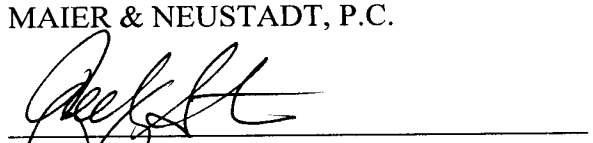

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